

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

In the Matter of)

) MUR 5262

2004 OCT 19 P 5: 26

Dennis Rossi)

SENSITIVE

GENERAL COUNSEL'S REPORT # 2

I. ACTIONS RECOMMENDED

1. Accept the attached conciliation agreement with Dennis Rossi.
2. Close the file as to Dennis Rossi.
3. Approve the appropriate letter.

II. BACKGROUND

This matter pertains to a \$25,175 guarantee on a \$50,350 bank loan taken out by the candidate, Tim Ryan, for campaign purposes.¹ The guarantor, Dennis Rossi, was Mr. Ryan's former high school basketball coach; the bank's loan officer, Shawn Pompelia, had also played basketball for Mr. Rossi, and the three men later coached together. Mr. Ryan, relying on erroneous information from his campaign treasurer who was new to federal campaigns, assured Mr. Rossi and Mr. Pompelia that the loan was legal. See Aug. 25, 2004 Memorandum to the Commission, MUR 5262. Of course, Mr. Rossi's guarantee was not legal; it was an excessive contribution.²

¹ This matter pertains to a 2002 Congressional election in the 17th Congressional District of Ohio. All of the facts in this matter occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. 107-155, 116 Stat. 81 (2002). Accordingly, unless specifically noted to the contrary, all citations to the Act herein are as it read prior to the effective date of BCRA and all citations to the Commission's regulations herein are to the 2002 edition of Title 11, Code of Federal Regulations, which was published prior to the Commission's promulgation of any regulations under BCRA.

² On March 23, 2004, the Commission found reason to believe that Tim Ryan and Tim Ryan for Congress ("Committee") violated 2 U.S.C. § 441a(f). On the same day, the Commission also found reason to believe that Dennis Rossi violated 2 U.S.C. § 441a(a)(1)(A) and (a)(3).

1 **III. DISCUSSION**

2 Attached is a conciliation agreement which has been signed by Dennis Rossi's attorney,
3 Michael Rossi, on behalf of his client.

4
5
6
7
8 A \$4,000 check for the civil penalty has
9 been received and is attached to this report.

10 **IV. RECOMMENDATIONS**

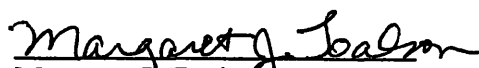
- 11
12 1. Accept the attached conciliation agreement with Dennis Rossi.
13
14 2. Close the file as to Dennis Rossi.
15
16 3. Approve the appropriate letter.
17

18
19 Lawrence H. Norton
20 General Counsel
21

22
23 Lawrence L. Calvert, Jr.
24 Deputy Associate General Counsel for Enforcement
25

26
27 10/19/04
28 Date

29 BY: Cynthia E. Tompkins
30 Cynthia E. Tompkins
31 Assistant General Counsel


Margaret J. Toalson
Attorney

- 1
- 2
- 3
- 4
- 5
- 6 **Attachments**
- 7 1. Signed conciliation agreement
- 8 2. Civil penalty check